

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; NORMAN W.
OLIVER, DARLENE ANDERSON,
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF GUMERSINDO GOMEZ

I, Gumersindo Gomez, hereby certify as follows:

1. I am a Hispanic citizen of the United States and I am registered to vote in Springfield, Massachusetts. I have personal knowledge of the facts stated in this Affidavit.
2. I have been a resident of Springfield since July 31, 1986. I have always lived in Ward 1 in the North End neighborhood, which is a predominantly Hispanic neighborhood. Since September 1988, I have lived at 46 Laurel Street and voted at the Ward 1-B polling location. Before that, I lived at 1495 Dwight Street.
3. I consider myself to be a leader in Springfield's Hispanic community. I am actively involved with several civic organizations that serve the needs of Springfield's Hispanic community. I currently serve as the Western Regional Director for ¿OISTE? and as the

Executive Director of the Puerto Rican Veterans Association of Massachusetts. I am active in Vietnam Veterans of America (VVA), Massachusetts, serving that organization as Vice President of the West and as Chair of the VVA State Council Minority Committee. I also am the President of Hogar Crea, which is a drug and alcohol rehabilitation program based at 247 Pine Street in Springfield. I am knowledgeable about issues that affect Springfield's Hispanic community.

4. The Puerto Rican Veterans Association assists all veterans regardless of race or ethnicity. I estimate that approximately 70% of our clients are white, 25% are African American, and 5% are Hispanic. Some of the issues we help with are housing, employment, hunger, and Veterans Administration claims. Many of the Hispanic and African-American veterans who come to the Puerto Rican Veterans Association face similar problems. Most clients who need help finding housing and employment, but do not have a history of substance abuse, are either African American or Hispanic. Most of the white veterans who come to us need help filing their claims with the Veterans Administration.

5. Many Ward 1 residents do not read or speak English fluently.

Experience as a Candidate

6. In 1997, I ran for City Council. I came in first place in Ward 1 by over 100 votes.

7. Even though I finished first in Ward 1, I was not elected because I finished 16th out of 18 candidates in the at-large election.

8. During my campaign, I did not have the support of Springfield's white politicians. For example, during my campaign someone took a picture of me with the District Attorney, William Bennett. I asked Bennett if I could use the picture in my advertisements and he told me no.

9. If Springfield used wards to elect City Council members, I would have been elected to the City Council in 1997. The at-large system makes it more difficult for Hispanic candidates to win as compared to white candidates, because most white voters in Springfield will not vote for Hispanic candidates, and because poverty in the Hispanic community makes it more difficult for Hispanic candidates to raise enough money to run successful at-large campaigns.

10. I have not run for public office since 1997. After my experience in that campaign, I do not believe that I have an equal opportunity to compete on equal terms with white candidates under the at-large system. I believe that the at-large system has also discouraged many other Hispanics from running for election to the City Council and the School Committee.

Voting Procedures

11. In April 2004, I became the President of the Democratic Committee for Ward 1. As President, I am involved in the selection of the Ward 1 poll workers.

12. For many years, Springfield failed to provide bilingual training for poll workers. Although Springfield has just recently begun to conduct such training, training has not been adequate. For example, poll workers have not been properly trained to inform voters who are not fluent in English of their right to cast provisional ballots. I know of several instances in which non-English speaking voters were not told that they could cast provisional ballots. Instead, they were told that they could not vote at all.

13. Ward 1 voters who are not fluent in English have been treated by poll workers in a way that discourages them from voting.

14. In the past, the City has assigned non-bilingual poll workers who live outside of Ward 1 to the Ward 1 polling places.

15. On those occasions when I have seen poll workers in Ward 1-B being unhelpful to Hispanic voters, more often than not, those poll workers were not Hispanic, nor were they residents of Ward 1.

16. For example, Spanish-speaking voters have come to me for help after they were turned away from the polls by non-bilingual poll workers. The non-bilingual poll workers had told them that they were not listed on the voter rolls, but had not told them that they could submit provisional ballots.

17. I have heard non-bilingual poll workers use a tone of voice with Spanish-speaking voters that is very discouraging. When Spanish-speaking voters have asked me for my help, and I have tried to talk with non-bilingual poll workers on these voters' behalf, the poll workers have used a discouraging tone of voice with me as well.

18. To my knowledge, prior to the November 2004 election the city never provided bilingual training for poll workers.

19. I regularly listen to two Spanish language radio stations, 1490 AM and 1270 AM. I also read the Spanish-language newspapers *Pueblo Latino*, *Diálogo Bilingüe*, and *El Sol*, on a regular basis.

20. I never have seen or heard any City notices about elections in Springfield's Spanish-language media.

21. In 2006, to satisfy the requirements of the consent decree in the case filed against the City by the U.S. Department of Justice, City election officials tried to take bilingual poll workers from my list in Ward 1 and put them in wards in other parts of the City. I had to object and insist that the Ward 1 poll workers stay in Ward 1, and that the City get Ward Committee Presidents in other wards to recruit their own bilingual poll workers.

Organizing Hispanic Voters

22. Every year, the Ward 1 Democratic Committee prepares a slate to give to voters on election day. We generally include on our slate all of the Hispanic candidates who are running for office. We include other candidates as well if we think that they will support the issues that concern Hispanic voters.

23. The Ward 1 Democratic Committee slate usually has fewer than 9 names listed for City Council. This is because Hispanic voters are at a disadvantage in the at-large system, and if they use less than 9 votes, they can have a greater impact on the election. There are usually fewer than 9 people running who we think will be responsive to the Hispanic community. Most Hispanic voters do not use all of their votes. I never have used all nine of my votes, because I want to use my votes only to support candidates who will be responsive to the needs of my community.

24. Hispanic voters in Ward 1 rely on community leaders to give them information about candidates. The candidates rarely come to the community, and most voters do not have access to other sources of information about the election.

25. As long as I can remember, Hispanic voters in Springfield have used bullet voting to try to have a greater impact on elections.

26. It is very hard to get Hispanic voters to vote, because they are discouraged by the at-large system and by the fact that the City's elected officials do not respond to our community's needs. I believe that as long as the at-large system continues, Hispanic voters will be discouraged from voting.

27. The level of interest in City politics has decreased since the Finance Control Board was created. There is a perception that the elected officials do not have the real power in

the City. Voters are less interested in participating in elections. Some people who might run for City Council or School Committee are discouraged because they believe that the job has no power.

28. I work with other leaders in the Hispanic community to increase voter turnout. We go door-to-door to ask people to vote. We talk on the radio before the election about how important it is to vote. We also try to get articles in the Spanish-language newspapers about voting.

29. In 2006, I served as an advisor to a group in Lower Liberty Heights that is trying to educate Latino voters about the importance of voting. The group was started by Alex Cortes and his wife. Cortes ran for City Council in 2001 and 2003. His group ran workshops for people who want to be involved in politics in Springfield and for leaders in the Hispanic community. We are trying to expand the model to other parts of the City.

City Services

30. I do not believe that the City is responsive to the needs of the Hispanic community. There is a perception in the Hispanic community as a whole that the City is not responsive to the needs of the community.

31. In my experience, it is very unusual for members of the City Council and School Committee to visit the North End outside of the campaign season.

32. Street paving, sidewalk repairs, trash collection, and snow plowing are inadequate in Ward 1 and are worse in Ward 1 than in other parts of the city.

33. The police do not respond quickly when people in Ward 1 need help. There is a perception among Hispanic residents that the police come to Ward 1 to give the law-abiding people who live there a hard time and not to fight crime.

34. Because I am a leader in my community, I often learn about safety problems such as crack houses, illegal gambling, and illegal sales of liquor. I have made reports about these problems to the Springfield Police Department, including the addresses where the illegal activity was taking place. Still, the police do not stop the activity from happening.

35. About two years ago in the summer, at about 11:00 p.m., I called 911 to report that there were cars on the street outside my house playing loud music. The police did not show up for over an hour. When they finally came, the cars had left.

36. About four years ago, my wife and I had a birthday party for our grandson at the New North Citizens Council community room. Our grandson was three or four years old then. I was standing outside of the community room, and there was a police cruiser parked outside. While I was standing outside, some teenagers who were at the NNCC for some other reason came out of the building. These teenagers looked like they were intoxicated. The police officer asked me if I was serving alcohol at the party. I explained that we were holding a party for our grandson, that we were not serving alcohol, and that the teenagers must have gotten alcohol from somewhere else. The police officer was very rude. I tried to identify myself to the police officer. He said, "I know who you are. You're just one of those Puerto Ricans trying to defend your people." He also threatened to arrest me.

37. I did not complain about this incident because I did not believe that the police would take any action in response. Every time that I make a complaint to the police, it goes nowhere.

38. For example, in the fall of 2006, a North End business owner who was closing his business on North Main Street was stabbed twelve times. The police were so slow that they did not come to the crime scene until after the ambulance had left for the hospital. I went twice with

other community leaders to meet with the police to talk with them about this crime, but they have not taken any action in response.

39. There is a perception in the Hispanic community that if you complain about the police, the police will harass you. This stops many people from making complaints about incidents with the police.

Spanish Language Assistance in City Government

40. Because many of the residents of Ward 1 do not speak English, it is virtually impossible for them to petition their elected city officials.

41. I attend many City Council meetings. When I do not attend the meetings, I often watch them on television. I have never seen the City Council provide Spanish-language assistance at their meetings. When I attend meetings, I sometimes have to translate for people attending the meetings who speak only Spanish.

42. As far as I am aware, Jose Tosado is the only City Councilor who speaks fluent Spanish. The City Councilors do not have any staff, so they cannot provide Spanish language services by hiring Spanish speaking staff.

43. As far as I am aware, none of the School Committee members speak fluent Spanish. Like the City Councilors, the School Committee members do not have any staff.

44. Many times, I have gone with families to meet with school principals to serve as a translator. I have done this at least ten times.

45. Until very recently, there were two School Department employees who were Hispanic, but none of Puerto Rican heritage. This was a concern for the Puerto Rican community. We thought that a Puerto Rican Assistant Superintendent would better understand

Puerto Rican culture and help the School Department to serve the Puerto Rican community more effectively.

46. Other Hispanic leaders and I went to Superintendent Burke and asked him to hire a Puerto Rican Assistant Superintendent. He told us that he could not find anyone qualified.

47. The other Hispanic leaders and I decided that we would recruit someone from Puerto Rico to come to Springfield and work in the schools. We recruited Denise Pagan Vega.

48. Superintendent Burke agreed to hire Pagan Vega. However, the School Department would not pay her enough money to cover the cost of moving to Springfield. The other community leaders and I raised about \$10,000 so that she could move to Springfield. She moved here around August or September 2006.

49. I think that Pagan Vega will help make the School Department more responsive to the Hispanic community, but I also think that she would not be here if we, the private citizens in the community, had not recruited her and raised the money to bring her here. If we had left it up to the City, nothing would have changed.

50. Needle exchange is an issue that is very important in both the Hispanic community and the African American community because so many people have HIV/AIDS. Most white voters in Springfield do not support needle exchange.

51. Another issue that is important in the Hispanic community is local hiring of Hispanic workers. For example, Baystate Medical Center is building all over the North End. The City issues construction permits even though Baystate does not pay taxes and even though people who live in the North End are not being hired to work on the project. Other Hispanic leaders and I have advocated for hiring local construction workers, but the contractors working on the project won't hire from within the community.

Candidates

52. In the years that I have been involved in politics in Springfield there have been many, many unsuccessful Hispanic and African American candidates.

53. Carol Lewis-Caulton was a very strong City Councilor for the minority community in Springfield, but she was only elected for one term. When she was a City Councilor she represented the minority community and she spoke out on issues that concerned the minority community, such as needle exchange and ward representation. She was elected to City Council once, in 1999, but she ran three additional times and lost, including when she ran as an incumbent in 2001. She lost because she did not have enough support from white voters.

54. Orlando Santiago ran a very strong campaign for School Committee in 2005. He did a good job of walking the city, and he used the media well. He would have won if more white voters had supported him.

55. Alex Cortes ran very well among Hispanic voters in both 2001 and 2003, but he did not get enough support from the rest of the City to win a seat on the City Council.

56. I also have observed the careers of the few Hispanic and African American officials elected. In each case, there are special circumstances that explain why that person won despite the at-large system.

57. Carmen Rosa was elected to the School Committee in 1993. There was a perception in the City that she was Italian and not Hispanic. She has light skin, she moved here when she was very young and she speaks very good English. During her campaign, she did not present herself as a Hispanic candidate.

58. Rosa was on the School Committee for one term only. I believe that her political career ended when she still was on the School Committee and she gave a speech about racism. She said something to the effect of, "racism is a disease of the white race." The speech was very controversial. After that speech, she would not have won election again because white voters no longer supported her.

59. Jose Tosado was appointed to the City Council and has always run for City Council as an incumbent. He got fundraising help from the Latino Breakfast Club.

60. I believe that Bud Williams wins elections because he has enough support from the white community to win. He has a large family and longstanding ties in Springfield. He ran twice and lost before he was elected.

61. Both Tosado and Williams have been adopted by the predominantly white political establishment in Springfield, and this helps them to get enough support from white voters to win elections. This political establishment has not helped other minority candidates in the way that it helps Tosado and Williams.

62. There is a perception in the City that there is only room for one African American and one Latino on the City Council at a time. Latinos and African Americans are discouraged from running because they think that they would be competing against Tosado and Williams for the Latino and African American seats. Because Tosado and Williams have been in office a long time, it is easy for them to raise money to pay for their next campaign. Other Latinos and African Americans decide not to run because they do not believe that they can raise enough money to have a chance against Tosado and Williams.

Signed under penalties of perjury, this 31 day of January, 2007.



Gumersindo Gomez

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser